

1 UNITED STATES DISTRICT COURT

2 DISTRICT OF MASSACHUSETTS (Boston)

3 No. 1:23-cv-11313-WGY

4
5 ANDRE C. BISASOR,
6 Plaintiff

7 vs.

8
9 CRAIG DONAIS, et al
10 Defendants

11 *****

12
13 For Zoom Hearing Before:
14 Judge William G. Young

15 Motion to Dismiss/Transfer

16
17 United States District Court
18 District of Massachusetts (Boston)
19 One Courthouse Way
20 Boston, Massachusetts 02210
21 Thursday, July 27, 2023

22 *****

23 REPORTER: RICHARD H. ROMANOW, RPR
24 Official Court Reporter
25 United States District Court
One Courthouse Way, Room 5510, Boston, MA 02210
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A P P E A R A N C E S

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1 P R O C E E D I N G S

2 (Begins, 4:00 p.m.)

3 THE CLERK: Now hearing Civil Matter 23-11313,
4 Andre Bisasor vs. Craig Donais, et al.

5 THE COURT: Good afternoon. This is a hearing on
6 the defendants' various motions and motions by the
7 plaintiff as well, but the motion we're going to focus
8 on is the motion to dismiss.

9 The hearing is held on our zoom platform at your
10 request. Our host for the hearing is Courtroom Deputy
11 Clerk, Jennifer Gaudet. These proceedings are taken
12 down by our Official Court Reporter, Rick Romanow. I
13 have law clerks on the line.

14 The proceedings are open to the public. If any
15 member of the public is present, you are welcome, but I
16 remind you to keep your microphone muted and that the
17 rules of court remain in full force and effect, and that
18 is there is no taping, streaming, rebroadcast, screen
19 shots, or other transcription of these proceedings.

20 With that stated, would the parties introduce
21 themselves starting with the plaintiff, Mr. Bisasor.

22 MR. BISASOR: Yes, your Honor. Good to see you.
23 Thank you. My name is Andre Bisasor, I'm the plaintiff.

24 THE COURT: And, Mr. Bisasor, it's good to see
25 you. And I'll say to you and counsel, I apologize for

1 having to continue this until later in the day, but I'm
2 prepared for argument, and it's good to see you all.

3 For the defense?

4 MR. LANDERS: Good afternoon, your Honor, Ted
5 Landers on behalf of Craig Donais, Mary Donais, and
6 Donais Law Offices.

7 THE COURT: Good afternoon.

8 MR. DONOVAN: Good afternoon, your Honor, Ian
9 Donovan for the same, um, Craig Donais, Mary Donais, and
10 the Donais Law Offices.

11 THE COURT: Good afternoon.

12 MR. SONNEBORN: And Good afternoon, your Honor,
13 Dan Sonneborn for defendants Russell Hilliard and Upton
14 & Hatfield.

15 THE COURT: And good afternoon to you.

16 All right. I've read all the pleadings, argument
17 will not exceed 10 minutes a side.

18 Where I want to start, Mr. Bisasor, is, um, as
19 I've looked at these papers it does seem to me that the
20 fairest thing that I might do is transfer this case to
21 the District Court in New Hampshire, and the reason I
22 say that is there are very real issues as to whether I
23 have personal jurisdiction over the people you've sued
24 here in the District of Massachusetts, and, um, where
25 there's no such issues in the District of New Hampshire

1 and we can get on to the actual merits of the case?

2 What do you say to my transfer -- not dismissing
3 the case, taking no other action on the case, but
4 transferring it to the District of New Hampshire?

5 MR. BISASOR: Um, your Honor -- thank you, your
6 Honor. I would say that, um, I believe that it may not
7 be in the interests of justice to transfer the case to
8 another forum in New Hampshire because, um --

9 So I understand with the transfer there wouldn't
10 be a dismissal --

11 THE COURT: That's right.

12 MR. BISASOR: -- or potential statute of
13 limitations issues if --

14 THE COURT: No.

15 MR. BISASOR: Okay, so with the transfer there
16 will be none. Okay.

17 The other point would be that, um, the New
18 Hampshire environment for me, your Honor, is not very
19 conducive because, first of all, I'm located in
20 Massachusetts, so if there were to be anything that I
21 would have to show for, I would have to do so in person,
22 it's not convenient for me in Massachusetts. I do have
23 some limitations with respect to travel costs and with
24 respect to some medical issues that have prevented me
25 from being able to, um, pursue anything further in that

1 case, even though I did start some things there.
2 Because of covid and a number of other things, I have
3 not been able to really do that. That would be one
4 issue.

5 THE COURT: They would say the same thing, the
6 difficulty of coming here to Massachusetts. But my
7 issue is more fundamental, I don't know that I have
8 personal jurisdiction over them here?

9 Now contrary, which is where that court sits,
10 that's an hour away. Um, it seems to me I would best
11 secure everybody's rights if I took no other action
12 beyond sending the case up to New Hampshire?

13 MR. BISASOR: Okay, your Honor. So in terms of
14 the question of the jurisdiction, I would just point out
15 that, um, there are a number of acts that took place in
16 Massachusetts, um, by the -- by the defendants, there
17 have been contacts with respect to this particular
18 matter and the matters related to it. Beyond that, in
19 terms of general jurisdiction, um, I would say that with
20 respect to the Donais defendants, they have had
21 substantial contacts here, Donais has a law practice --

22 THE COURT: Wait. Wait. Wait. Wait a minute.
23 Wait a minute. Now you're arguing the substance of the
24 motion.

25 MR. BISASOR: Yes, your Honor.

1 THE COURT: Right, and I'll hear you on the
2 substance of the motion, but if I hear you on the
3 substance of the motion, it's not going to be
4 transferred, you'll either win, in which case I will
5 decide I have personal jurisdiction over these
6 defendants, or you'll lose, in which case I will decide
7 I do not have personal jurisdiction over these
8 defendants, and then I will dismiss the case, not on the
9 merits, but I will dismiss it.

10 Here if I transfer it, you're not injured at all.
11 The judge in New Hampshire will just take responsibility
12 for the case and at least as I understand the law
13 they've got no claim that personal jurisdiction doesn't
14 extend to them in New Hampshire, as a matter of fact I'm
15 going to ask them before we finish.

16 So doesn't it make sense to transfer it?

17 MR. BISASOR: Um, based on what you're saying,
18 your Honor, I could see myself open to that point. Um
19 --

20 THE COURT: All right, let's turn to the
21 defendants.

22 We're not going to sandbag anyone here. If I
23 transfer this now to the United States District Court
24 for the District of New Hampshire, and I'm asking you on
25 the record, defense counsel, no one's going to claim

1 lack of jurisdiction, personal jurisdiction over your
2 person before that court, is that correct?

3 MR. LANDERS: Your Honor, on behalf of the Donais
4 defendants, that's correct.

5 MR. SONNEBORN: Yes, on behalf of Mr. Hilliard and
6 his firm, that is correct.

7 THE COURT: Very well. And that is the fairest
8 thing to do.

9 This case is ordered transferred under 28 United
10 States Code, Section 1404(a), from this court to the
11 United States District Court for the District of New
12 Hampshire, and the Court takes no action on any other
13 pending motion, that the case is transferred to that
14 court. Thank you all very much.

15 We'll stand in recess.

16 (Ends, 4:10 p.m.)
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C E R T I F I C A T E

I, RICHARD H. ROMANOW, OFFICIAL COURT REPORTER,
do hereby certify that the foregoing record is a true
and accurate transcription of my stenographic notes
before Judge William G. Young, on Thursday, July 27,
2023, to the best of my skill and ability.

/s/ Richard H. Romanow 09-05-23

RICHARD H. ROMANOW Date